

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
KATHY CAMACHO; JUSTINE RODRIGUEZ;  
DERICK MASON; NICOLE FLUDD; CYNTHIA NEAT;  
and DAQUANA MCCALL on Behalf of Themselves and  
All Others Similarly Situated,

Plaintiffs,

- against -

**19-CV-11096 (DLC)**

CITY OF NEW YORK; PAUL SMITH,  
Correction Officer, in his individual capacity;  
ASHLEY REED, Correction Officer,  
in her individual capacity; SCOTT AMBROSE, Correction Officer,  
in his individual capacity; CECIL PHILLIPS, Correction Officer,  
in his individual capacity; EPIFANO VASQUEZ, Correction Officer,  
in his individual capacity; CHRISTINA BREWLEY, Correction Officer,  
in her individual capacity; DONNYA SPRY, Correction Officer,  
in her individual capacity; JOSEPH COSICO, Correction Officer,  
in his individual capacity; DEBRA GOLUB, Correction Officer,  
in her individual capacity; JEFFREY RIOS, Correction Officer,  
in his individual capacity; STEVEN DEJESUS, Correction Officer,  
in his individual capacity; L. BROWN, Correction officer, Shield # 6018,  
in his individual capacity and JOHN/JANE DOES 1-30  
Correction Officers, in their individual capacities,

Defendants.

-----X  
**DECLARATION OF DAVID B. BERMAN**

DAVID B. BERMAN, declares, under penalty of perjury, pursuant to 28 U.S.C. § 1746,  
that the following is true and correct:

1. I am an associate at the firm of Emery Celli Brinckerhoff & Abady LLP, counsel for Plaintiffs in the above-captioned matter. I submit this declaration in support of Plaintiffs' opposition to Defendants' motion to strike Plaintiffs' class allegations.

2. Attached as Exhibit A is a true and complete copy of the transcript of the parties' February 28, 2020 conference with this Court.

3. Attached as Exhibit B is a true and complete copy of the documents produced to Plaintiffs by Defendants purporting to reflect arrests related to K2 at New York City Department of Correction Correctional Facilities from 2017 to the present. Plaintiffs have moved to file this document under seal to protect the privacy interests of third parties.

4. Attached as Exhibit C is a true and complete copy of an email from Defendants' counsel to Plaintiffs' Counsel, dated June 9, 2020. Plaintiffs have moved to file this document under seal to protect the privacy interests of third parties.

5. Attached as Exhibit D is a true and complete copy the documents produced to Plaintiffs by Defendants reflecting New York City Police Department Lab Reports. Plaintiffs have moved to file this document under seal to protect the privacy interests of third parties.

6. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Dated: June 12, 2020

New York, New York

/s/  
David B. Berman